

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Aaron Cole	Team: Squad #14	CCRB Case #: 201701686	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 02/27/2017 1:22 PM	Location of Incident: 230 Vesey Street	Precinct: 01	18 Mo. SOL 8/27/2018	EO SOL 8/27/2018	
Date/Time CV Reported Mon, 02/27/2017 1:41 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 03/03/2017 11:03 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Audon Simpson	08433	937544	001 PCT
2. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.POM Audon Simpson	Discourtesy: Police Officer Audon Simpson spoke discourteously to § 87(2)(b)	
B. An officer	Abuse: An officer threatened to arrest § 87(2)(b)	
C.POM Audon Simpson	Abuse: Police Officer Audon Simpson threatened to arrest § 87(2)(b)	

Case Summary

On February 27, 2017, § 87(2)(b) called the IAB Command Center to file this complaint, which was received at the CCRB on March 3, 2017.

At approximately 1:22 p.m. on February 27, 2017, in the vicinity of 230 Vesey Street in Manhattan, § 87(2)(b) was driving his taxi cab when PO Audon Simpson of the 1st Precinct stopped § 87(2)(b)'s vehicle and issued him a summons for parking his cab in a "no standing any time" zone. § 87(2)(b) exited his taxi, approached PO Simpson, and protested that he did not deserve to receive the summons. PO Simpson allegedly told § 87(2)(b) "Shut up, get the fuck in the car" (**Allegation A**). § 87(2)(b) and PO Simpson continued arguing. Two unidentified officers approached, and PO1 allegedly told § 87(2)(b) to get inside his taxi or he would be arrested (**Allegation B**). PO Simpson also threatened to arrest § 87(2)(b) (**Allegation C**). § 87(2)(b) reentered his taxi and drove away.

There is no video evidence in this case.

This case was delayed due to difficulties identifying officers.

Mediation, Civil and Criminal Histories

- § 87(2)(b) accepted mediation, but one subject officer remains unidentified (Board Review 01).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- As of August 1, 2017, § 87(2)(b) has not filed a Notice of Claim with the NYC Comptroller's Office regarding this incident (Board Review 03).

Civilian and Officer CCRB Histories

- This is the third complaint that § 87(2)(b) has filed with the CCRB (Board Review 04). § 87(2)(b)
[REDACTED]
[REDACTED].
- PO Simpson, a 12-year-member-of-service, has one prior CCRB complaint filed against him with a total of three allegations, including two discourtesy allegations, which were all withdrawn (Board Review 05).

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) testified that PO1 was a white male, approximately 45 years old, wearing a light blue uniform. PO1 was on foot and accompanied by a partner whom § 87(2)(b) did not pay attention to and could not describe. PO Simpson acknowledged the presence of PO1 and PO2, but said they were counterterrorism officers. PO Simpson described one officer as a white male in his thirties, and the second as a Hispanic male in his twenties. § 87(2)(b) was scheduled to view a photo array on April 27, 2017, but called the CCRB that same day and refused to do so because he did not believe it would be useful (Board Review 06).

According to Det. Andre Crandon of the IAB-CCRB Liaison Unit, community affairs officers are the only NYPD officers who wear light blue uniform shirts. Counterterrorism officers do not. He noted that 230 Vesey Street is covered by the World Trade Center command, which is a subcommand of the Counterterrorism Division and operates within the confines of the 1st Precinct (Board Review 07).

PAA Cevallos from the Roll Call office of the World Trade Center command was called on July 27, 2017, and corroborated that officers assigned to that command never wear light blue uniform shirts (Board Review 08).

The tour 2 Roll Call for the World Trade Center command identified Sgt. George Giga as working as the community affairs officer at the time of this incident (Board Review 09), and his pedigree information matches § 87(2)(b)'s description of PO1 (Board Review 10). Sgt. Giga was interviewed, but denied being involved in this incident. Sgt. Giga always dresses in plainclothes. Sgt. Giga noted that officers from all over the city work paid details in the vicinity of the incident location because it is near the World Trade Center (Board Review 11). The tour 2 Roll Call for the 1st Precinct identified PO Eugene Schatz and Det. Thomas Moran as working together as community affairs officers at the time of the incident (Board Review 12) and their pedigree information both matched § 87(2)(b)'s description of PO1 (Board Review 13, Board Review 14). PO Schatz and Det. Moran were interviewed, but denied being involved in this incident. They both said they wore plainclothes on the date of this incident (Board Review 15, Board Review 16). Neither Sgt. Giga, PO Schatz, nor Det. Moran maintain memo books.

§ 87(2)(g)

§ 87(2)(g)

Allegation A- Discourtesy: Police Officer Audon Simpson spoke discourteously to § 87(2)(b)

§ 87(2)(b)

It is undisputed that after PO Simpson issued § 87(2)(b) a summons for parking his cab in a no standing zone, § 87(2)(b) approached PO Simpson in the street and protested the summons in a raised voice. PO Simpson acknowledged that he repeatedly ordered § 87(2)(b) to return to his taxi, but denied that he used the word “fuck” or any profanity in speaking with § 87(2)(b). Due to the conflicting statements, and absent any independent corroboration, the investigation was unable to determine whether PO Simpson spoke discourteously to § 87(2)(b) § 87(2)(g)

Allegation B- Abuse of Authority: An officer threatened to arrest § 87(2)(b)

Allegation C- Abuse of Authority: Police Officer Audon Simpson threatened to arrest § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) alleged that after he exited his taxi, which was parked at the bus stop where PO Simpson pulled his vehicle over, and as he was standing in the street yelling at PO Simpson in protest of being issued the summons, PO1 and PO2 arrived on foot and PO1 told § 87(2)(b) that he would arrest him if he did not get back inside of his vehicle. PO Simpson did not recall whether PO1 threatened to arrest § 87(2)(b) but acknowledged that he himself did so.

During his CCRB interview, PO Simpson explained that § 87(2)(b) was guilty of disorderly conduct because he was raising his voice at a uniformed police officer in a public place, which had the potential to make other civilians nervous. PO Simpson did not recall if any bystanders stopped to observe the interaction, but assumed that pedestrians were walking in the area because it is a generally busy one. PO Simpson feared for his safety because § 87(2)(b) was standing while PO Simpson was seated, PO Simpson had just issued § 87(2)(b) a summons, and PO Simpson did not know anything about § 87(2)(b)'s character. At this point of the interview, PBA Rep. Louis Albert interjected with, "Blocking traffic too, no?" PO Simpson then agreed, noting that § 87(2)(b) was standing in the street. PO Simpson did not notice whether this interaction caused a crowd to gather.

New York State Penal Law, Article 240.20 (Board Review 17) states that a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: he engages in a violent, tumultuous or threatening behavior; or he makes unreasonable noise; or he obstructs vehicular or pedestrian traffic. The public harm element is necessary Statements using coarse language to criticize the actions of an officer

According to an August 8, 2017 Google Maps search, 230 Vesey Street is the address associated with Three World Financial Center and Brookfield Place, and is located next to West Street.

§ 87(2)(g)

Squad: 14

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date